

June 13,  
2015

Page  
1/6

U.S. Department Of Justice  
Office of The Inspector General

COMPLAINT

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950 Pennsylvania Ave, NW, Washington, D.C. 20510

Dear Office of The Inspector General,

I, Brian D. Hill, hereby files a complaint with your Office on United States Probation Officer Kristy L. Burton, under the Western District of Virginia, Danville Division. I also extend this Complaint to U.S. Attorney Ripley Rand of the Middle District of North Carolina, Greensboro Division, for prosecutorial misconduct which includes malicious prosecution of a person with mental and/or physical disabilities, whom is on a Virginia Medicaid waiver and SSI disability, violated no condition of Supervised Release, and thus violates my civil rights. So please forward copies of this complaint to the Executive Office for U.S. Attorney's and the Office of Professional Responsibility. USPD Burton lied on the filed Petition for Warrant or Summons for Offender Under Supervision, on Docket for the U.S. District Court for the Middle District of N.C., Greensboro Division, case # 1:13CR435-1. The lies by USPD Burton may be construed as perjured testimony since Page 2 of the Petition is declared under "penalty of perjury that the foregoing is true and correct." I request that the Petition for Warrant be withdrawn, that I am released immediately, and that my Supervised Release be reinstated during an investigation/inquiry of my complaint. I also ask for a change of Probation Officer since this complaint proceeding creates a conflict of interest between me and USPD Burton. All statements in this letter are under Oath or Affirmation that what I am writing to you is true and correct to the best of my abilities. Yes I did call her a jerk and a "asshole", yes I did get upset but I did comply with her instructions and I apologized for my behavior the day before the Petition was even filed saying that it will "not happen again." USPD is in the wrong here, Kristy Burton is in the wrong and I'll explain herein as to why.

1

(1) USPO Burton spoke about my failure to attend mental health services at Piedmont Community Services in Martinsville, VA. In fact I scheduled an appointment with Kristen Patterson at Piedmont Community Services after I left a voicemail on both her cell phone and her office answering machine on April 28, 2015 with an apology for my behavior, that it will never happen, and that I will follow her orders including scheduling an appointment with Piedmont Comm. Services. I went for counseling there at May 20, 2015. Originally I was required by the Probation Officer to attend counseling services at Radford Counseling in Roanoke, VA. Piedmont was obtained by me and paid for by my Medicaid and was never started as a requirement of my Supervised Release. After she heard me planning to sue Government or U.S. Attorney, she retaliated by encroaching upon my private counseling by getting involved in my private counseling to do what I feared she would do, contaminate evidence of mental health anguish/abuse to be pro-false-conviction. USPO Burton attempted to control my counseling and deciding who I can get as a counselor to protect the interests of the corrupt U.S. Attorney in Greensboro, NC. I filed Pro Se Motions and filings that I did ~~attempted~~ attend counseling yet Burton never asked to withdraw her Petition. Why would I be mandated to attend my private counselor when I was already required to attend Radford Counseling? Because she knew that I was wrongfully convicted and attempted to overturn my conviction (Appeal 15-4057 4th Circuit) so she attempted to protect the U.S. Attorney's wrongful and malicious prosecution when I am Innocent of the charge.

June 13,  
2015

Page

3/6

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(2.) USPO Burton claimed that "The U.S. District Court Clerk's Office had directed Mr. Hill to cease this behavior, however, he had not complied." She was referring to the sending of documents to the Court through my Cellular Phone using Multimedia Messaging Service (MMS) (See Doc #87). I agreed with the Clerk to stop filing documents with my Cell Phone but I still have the right to file documents through U.S. Postal Service mailings. Burton lied on material fact since the Clerk directed me to file documents properly which I had agreed to already before I even saw USPO Burton on April 28, 2015. I even agreed with USPO Burton that I wouldn't send text messages with the court. Then she told me outside of my Release conditions that I cannot text message my friends nor my lawyer. I was told that I cannot text message anybody anymore. I DID comply with her order not to text message anybody anymore. My Mother sent a text through my phone to Stewart Rhodes of OathKeepers.org, however I still sent no text message since USPO Burton ordered me so. I complied with the Clerk's Office, I complied with USPO Burton's orders not to text the court and not to text message anybody.

(3.) USPO Burton claimed that I am a danger to the community yet she approved of my faxed "Request To Travel" in May 2015 to visit grandad James Mercer and Kay Marin in Snow Camp, NC for my Mother's birthday. I continued my counseling at Piedmont Comm. Services. I am not a danger to the community. Burton even admitted on June 11, 2015 at the Probable Cause hearing that she didn't understand Autism, nor did she understand my mental health issues otherwise she would not go as far as a Arrest Warrant, and revocation. Autism is not the same as non-compliant criminal behavior and should not be treated as such, yet Burton treated me as a regular non-compliant [3] criminal without Autism.

So the Court recommends that I be placed on Supervised Release due to my mental and physical health conditions, yet one little outburst where nobody is injured and she is ready to revoke my Supervision up to two years in prison when she knows I have mental health issues which are neurological. She does not know what she is doing. She does not know how to deal with mental health issues then treats it as non-compliant criminal misconduct that warrants a prison sentence. The Probation Officers apparently need need Autism training, sensitivity training, and need to know how to supervise the mentally ill and disabled. I didn't fail to comply with Burton, but she failed me and my family for how she treated me.

Page  
~~4/6~~  
4/6

My blood sugar was high, I had over-anxiety and high amounts of stress over my criminal case, worrying about it, and still have stress over my case.

I tried to leave the room to do my insulin shot and calm myself down but Burton wouldn't let me. When I lost it, I never tried to harm anybody in the room. I made sure to not attempt to harm anyone. Broken dishes or objects can be replaced. I only hurt myself in that tantrum. It would have been more appropriate for Burton to have me temporarily temporarily committed to a mental hospital instead of trying to imprison me. Burton doesn't care about my physical and mental health problems, she only cares about herself.

(4.) Overall I violated no condition of Supervised Release. Text messaging and MMS is not the same as internet email. Texting does not require a server and client as with email, it is similar to fax machines. You can send and receive messages but no server is needed. USPO Burton allowed my texting for months and faxing, then after the dishonorable Judge William Lindsey Osteen Junior called Burton and complained about my texting, then boom I was not allowed to text message anybody anymore. Texting is not the same as using the internet, I know they [4] are both different things.

June 13,  
2015

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Page  
5/6

(5.) Evidence of USPO Burton lying is based on testimony me and three witnesses can provide. Records from Radford Counseling (Roanoke, VA), Piedmont Community Services (Martinsville, VA), my records (which I'll be happy to provide to your Agency) including Fax records, my Mother's email records, and any other records that I can fax to your Office upon my release. I am attempting to request Transcripts of both Probable Cause and Arraignment hearings. My Mother's testimony under Oath along with my testimony under Oath (Declaration) proves that I did get upset because USPO Burton told me to not text message anybody anymore outside of my Release conditions I had agreed to, after allowing me to text message for months. However I still complied and haven't sent a text message since I was ordered by USPO Burton, even though my only crime was calling her a jerk, a "asshole", and having a tantrum where nobody got hurt while she already knows I have Autism but doesn't understand Autism, and for being diagnosed with Intermittent Explosive Disorder. My Counselor at Piedmont comm. Services wasn't really helping me so I sought another counselor but USPO Burton saw to that, and made sure that I pay for only Piedmont and not allowed independent counseling which documents my over-anxiety and mental anguish/abuse caused by the U.S. Attorney in Greensboro, NC. USPO Burton doesn't want to let my conviction go, she doesn't want me text messaging anybody anymore after crooked Judge Osteen was through with her, then she covers that up in her testimony by claiming it was only a issue with sending documents to the Court when mailing the Court is my legal right. Agents of the DOJ need to investigate USPO Burton, then charge her with false witness testimony and covering up her order/instruction of not being allowed to text message anybody anymore, [5.] which I complied

# Conclusion

Page  
6/6

Ladies and Gentlemen of the DOJ, United States Probation Officer Kristy L. Burton lied in testimony to the Court, I violated no conditions, she covered up her original instructions, did not know how to do her job with Supervising an Autistic person, and she may have perjured herself since her testimony was under Declaration/Oath in Page 2 of the Warrant Petition.

As a repercussion of her misconduct, I have suffered diabetic health deterioration, which I filed on record Pro Se, and my hemoglobin A1C has risen from est. 8 to 9.5 in the few weeks of incarceration. My health continues deteriorating in Forsyth County Detention Center and even to this very day.

Despite both testimony from me and my Mother that USPO Burton lied and did not disclose her real order of not being allowed to text message anybody, despite what is on record and my health deterioration, the U.S. Attorney has continued it's unjust and malicious prosecution against me till this day. I pray for relief from the U.S. Attorney and USPO Burton, that they be penalized for their misconduct. The U.S. Attorney is repeating his malicious prosecution just like in my original charge. My health deterioration caused (in part) my false guilty plea along with ineffective counsel and my family being manipulated to tell me to falsely plead guilty.

There needs to be an inquiry/investigation into USPO Burton and U.S. Attorney Ripley Rand please. I pray for relief, I beg of the U.S. DOJ. Thank You.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 13, 2015.

DO NOT MAIL  
ME IN JAIL

Please MAIL:

916 Chalmers St., Apt. D  
Martinsville, VA 24112

Brian D Hill

Signed

Brian David Hill (Pro Se)  
Forsyth County Detention Center  
201 N. Church St., Winston Salem, NC

[6]